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Agricultural Biotechnology Annual

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Report Highlights:
Austria continues to be one of the leading forces in Europe opposed to the use of agricultural biotechnology. Biotechnology precautionary bills and biotech-free zones have been established in all nine of Austria's federal states. All major political parties have enshrined anti-biotech policies. At the EU level, Austria favors proposed member-state "opt out" measures for biotech approvals, promotes the use of socio-economic criteria in the regulatory approval process, and habitually votes against EU regulatory approval for new biotech crop varieties. NGOs and farmer organizations, the food-processing sector, and the retail sector all have marketing campaigns promoting GMO-free foods.

Section I. Executive Summary

Austria continues to be one of the leading forces within Europe opposed to the use of biotechnology in agriculture. Austrian politicians, governmental decision makers, farmer organizations and consumers share the opinion that green, or agricultural, biotechnology carries an incalculable risks. Also they do not see any benefits or need for biotech crops in Austria. Austrian ordinances effectively ban the planting of EU-approved biotech crops, such as insect resistant corn.

Biotechnology precautionary bills and biotech-free zones have been established in all of the nine federal states of Austria. In addition to that, tough national regulations on registration, liability and supervision further deter farmers and suppliers from employing agricultural biotechnology.

No labeled biotech foods can be found in Austria's supermarkets and grocery stores. Because of consumer anti-biotech sentiment, the Austrian retail sector refrains from stocking or selling foods containing ingredients that trigger EU GMO labeling laws.

NGOs and farmer's organizations, the food-processing sector, and the retail sector all have marketing campaigns promoting GMO-free foods.

Despite the widespread opposition, the Austrian animal sector is highly dependent on imports of soybean meal. A large majority of the 600,000 metric tons of soybean meal used in Austria is 'GMO." Soybean meal is currently the only major agricultural biotech commodity found on the Austrian market.

Austria is in favor of the "opt out" proposal giving EU member-states more autonomy in the biotech approval process. The government believes that, over the long run, it can better prevent the cultivation of biotech crops under an 'opt out' policy. More generally, Austria promotes the use of socio-economic criteria for the approval of biotech products.

Although Austria usually votes against any kind of agricultural biotechnology proposal, Austria voted in favor of the so called "technical solution" for low level presence (LLP) for biotech events in feed products that are not yet approved in the EU. This measure was intended to lower the commercial risks associated with finding minute traces of unapproved biotech crops in feed. High demand for soybeans as protein source for the animal industry is likely a main reason for Austrian government's support.

For more information on the EU-27 biotech situation please see EU-27 Agricultural Biotechnology Annual Report

Section II. Plant Biotechnology Trade and Production

Production

There is no biotech crop production in Austria. Biotech-free zones have been established in all of the nine federal states of Austria by the issuance of "biotech precautionary bills" and all Austrian states are members of the "European Network of GMO-free Regions." Austria does not carry out any type of biotech crop field trials. Theoretically, Austria has regulations on how to apply and how to approve biotech field trials. In the very unlikely case that a company or institution applied for such an approval it is expected that NGO's would effectively prevent or destroy the planting. In the past, there have been limited confined trials, primarily on fruit trees.

Non-GM Seed Corn

Austria is an important corn seeds producer and the Austrian seed industry actively promotis non-GM seed corn. In 2010, Austria planted 6,000 ha seed corn and about half is exported. In August 2011, Pioneer Seeds opened a corn parent seed production facility in northeastern Austria. Austria's 'GMO-free' status was a factor in the plant's location choice.

Trade

The livestock and poultry industries are important components of Austrian agriculture and account for about 45 percent of total agricultural output. Animal production is highly dependent on imports of soybean meal. Austria imports on an average 600,000 MT of soybean meal per year for feed, the majority of which is 'GMO.' Those imports are mainly transshipments from Germany and the Netherlands, where soybeans from North and South America are processed into soybean meal. Soybean meal is the only agricultural biotech product that can be found on the Austrian market.

Because of the anti-biotech attitude of Austrian consumers the Austrian retail sector agreed to refrain from stocking or selling biotech food. NGOs and farmer's organizations, the food-processing sector, and the retail sector are carrying out anti-biotech campaigns promoting GMO-free food.

Section III. Plant Biotechnology Policy

Current Political Situation

All major Austrian political parties consistently vote against the use of agricultural biotechnology. The latest (2008) Austrian government policy plan by the two coalition parties (the social democratic party (SPOe) and the people's party (OeVP)) includes a commitment to ensure GMO-free food and feed, GMO-free agricultural cultivation and confirms their political will to keep Austria biotech-free. The policy plan is valid through 2013.

On June 6, 2012, the five significant political parties in the Austrian national assembly passed a

resolution in the agricultural committee confirming the cultivation ban.

Within the Austrian agricultural community, many maintain that biotech crops pose a hazard to both organic and conventional farming. Austrians, and the vast majority of farmers, think that coexistence of biotech crops and conventional crops is impossible in Austria due to its small-scale farm structure.

Austrian ordinances still effectively ban the planting of all EU-approved biotech crops and the marketing of EU-approved oilseed rape and potato. The EU Commission has long criticized these ordinances.

Austria has always voted against the EU approval of any type of biotech variety. It is not expected that this will change in the near future.

Austria supports the development of organic agriculture in Africa, which excludes the use of biotech crops.

Coexistence

Austria has no federal coexistence law but all nine provinces implemented precautionary bills that include coexistence regulations. The Austrian Agriculture Ministry commissioned an expert team consisting of representatives of the Federal States, the Chambers of Agriculture, the Austrian Agency for Health and Food Safety, and the Agriculture Ministry. In addition, an enlarged team with representatives from breeders associations, the seed production sector and consumers was included to develop recommendations for a national strategy on coexistence. The expert group worked on developing uniform Austria-wide guidelines for coexistence management to help state authorities decide whether or not cultivation of biotech crops is possible in a given case and under which conditions such cultivation can be permitted (e.g. minimum isolation distances from non-biotech crops). These guidelines will be published if and when an actual need to establish a segregation distance for a proposed planting arises.

Liability

The Biotechnology Act also serves to makes producing biotech crops unattractive. Specifically, the Biotech Act foresees a) comprehensive compliance with the precautionary principle; b) “duty of care” against unintended mingling of biotech and non-biotech crops; c) the introduction of a “biotechnology register” to record dates and places of the release of biotech crops, and most important; d) liability and compensation rules regarding perceived damage from biotech crops neighboring conventional or organic farmers. The law considers the presence of biotech DNA to be a basis for harm, rather than physically demonstrable damage.

Austrian Federal Law

As a member of the European Union, Austria has fully implemented the directives, decisions, regulations and guidelines of the European Union pertaining to LMOs (Living Modified Organisms) through federal laws and ordinances (see EU-27 Agricultural Biotechnology Annual Report). The **Austrian Gene Technology Act** ("Gentechnikgesetz") and its amendments represent the core of Austrian regulations. It regulates the main aspects of biotechnology and genetic engineering: contained use of LMOs, deliberate release of LMOs into the environment, the placing on the market of products that contain LMOs, and the application of biotechnology in human medicine, such as gene analysis and gene therapy. Several ordinances to the gene technology act specify detailed requirements. The Austrian regulations on biotechnology can be found at the website of the Austrian Health Minsitry (only available in German)

The **Ordinance on Work with LMOs** in Contained Use (Systemverordnung) defines the Gene Technology Act in more detail, such as risk assessment, the classification of LMOs, the necessary equipment of laboratories according to classification and scale, qualification of staff, safety aspects, and the measures to be taken in case of accidents.

The **Ordinance on the Deliberate Release of LMOs** into the Environment (Freisetzungsverordnung) is also based on the Gene Technology Act and contains the requirements in more detail that have to be considered by applicants for the approval of a deliberate release of a LMO in Austria.

The **Ordinance on Public Hearings** (Anhörungsverordnung) prescribes in more detail the administrative procedures that have to be considered in those cases where the Austrian Gene Technology Act requires a mandatory public hearing. These cases are: applications for deliberate release of LMOs into the environment and contained use of LMOs in higher risk classes and on a large scale.

The chapters of the "**Book of Biotechnology**" (Gentechnikbuch) are put out by the Advisory Board on Gene Technology and outline the current "state of technology" in the field of biotechnology and genetic engineering and are meant to keep pace with biotech advances. The book has the legal status of an objectified expert opinion. If necessary chapters of the book can be published as an ordinance and thus enter into force like a law.

The "**Register of products containing LMOs**" (Gentechnikregister) continuously lists up those products that have been approved under Directive 90/220/EEC following the procedures of Article 13.

Austria has issued **ordinances to ban the cultivation and import of EU approved biotech products**. The measures were taken in accordance with Article 16 of Directive 90/220/EEC where it says that MS may invoke a safeguard clause on biotech products. The European Commission believes that the bans are not justified and tried several times to lift the bans but Austria could successfully defend most of the bans.

Following safeguard clauses are still in effect:

Event banned	Scope	Date of Ban
Bayer T25 corn	Cultivation	2000 (Amended 2008)
Monsanto MON 810 corn	Cultivation	1999 (Amended 2008)
Monsanto GT73 rapeseed	Import/Processing	2007 (Amended 2008)
Monsanto MON 863 corn	Import/Processing	2008
Bayer Ms8 rapeseed	Import/Processing	2008
Bayer Rf3 rapeseed	Import/Processing	2008
Bayer Ms8XRf3 rapeseed	Import/Processing	2008
BASF EH92-527-1 potato	Cultivation	2010

The **Ordinance on Labeling of products that contain LMOs** (Gentechnik-Kennzeichnungsverordnung) prescribes the mandatory labeling for products that contain LMOs or consist of mixtures of both modified and non-modified organisms. This regulation does not apply to "novel foods", pharmaceuticals and products that are only destined for contained use or scientific purposes.

The **ordinance on genetically modified seed** (Saatgut-Gentechnik-Verordnung) prescribes the mandatory labeling for all genetically modified seed varieties covered by Directive 90/220/EEC. Furthermore the ordinance sets up a threshold for accidental contamination of conventional and organic seed with genetically modified seed (0,1% for subsequent controls).

The **ordinance on thresholds of certain Genetically Modified Organisms in Feed** (Futtermittel-GVO-Schwellenwert-Verordnung) sets up a threshold of 1% for accidental or technically unavoidable contamination of feed with certain (approved) LMOs.

The **ordinance on seed production areas** (Saatgut-Anbaugebiete-Verordnung) lays down requirements for seed production.

The **ordinance to limit emissions in waste water resulting from work with LMOs** (AEV Gentechnik) regulates the limitation for emissions in waste water resulting from work with LMOs in containment.

The **ordinance on the protection of employees against hazards caused by biological agents** (Verordnung biologische Arbeitsstoffe –VbA) prescribes measures to be taken to avoid risks and dangers resulting from work with biological agents such as equipment, hygiene, handling of agents, reduction of exposure, vaccination of employees etc. An annex contains a classification of organisms.

The **"Codex Alimentarius Austriacus"** contains guidance about the **definition of "GMO-free"** products. (Codexrichtlinie zur Definition der "Gentechnikfreiheit") This guidance applies for foodstuffs that are labeled as "biotech-free".

Federal State Law

In Austria, natural conservation, water sheds, animal breeding, and fisheries are covered by state laws. In principle state laws on nature conservation lay down a prohibition of the deliberate release of LMOs into nature. Exceptions could be made in cases of compliance with the Austrian Gene Technology Act if there are no adverse effects on the balance of nature, on wild animals and plants, etc.

State-level biotech precautionary bills generally include the authority to pass statutory coexistence measures that protect against "contamination" from biotech crops.

The release of biotech crops is subject to prior registration or approval by the authorities. Sensitive areas like national parks or nature reserves are generally be excluded from the planting of biotech crops.

Responsible Government Ministries

Federal Ministry of Health
Responsible for contained use and deliberate release applications from industry and research institutions except universities.

Federal Ministry of Education, Science and Culture
Responsible for contained use and deliberate release applications from universities.

Federal Ministry of Agriculture, Forestry, Environment and Water Management/Federal Environment Agency
Responsible for cultivation of GMOs. Gives comments in cases of deliberate release and of placing products on the market.

Biosafety Committee

The Commission for Gene Technology ("Gentechnik-Kommission") is an advisory body consisting of representatives from science, industry, government, NGOs and trade unions. The Commission gives comments on regulations and ordinances, establishes technical guidelines and gives triennial reports to the Parliament. Its scientific subcommittees give advice on actual applications of contained use and deliberate release. The Austrian Gene Technology Act lays down the rules for the installation and work of this commission and its three standing scientific committees.

The Austrian Ministry of Agriculture initiated the Task Force on Gene Technology in Agriculture Arbeitsgruppe Gentechnik in der Landwirtschaft) with the aim to achieve a coordinated approach for managing the coexistence of biotechnological crops, conventional crops and organically produced crops in all nine Federal States. This task force consists of members of the Ag Ministry, the Health Ministry, representatives of the nine Federal States, the Chambers of Agriculture, and representatives

of the organic farmers association.

Biosafety Protocol

Austria signed the Cartagena Protocol on Biosafety on May 24, 2000. It was ratified in August 2002 and entered into force on September 11, 2003.

National Focal Point – Biosafety Clearing House
The Federal Environment Agency acts as the National Focal Point and Biosafety Clearing House in the framework of the Cartagena Protocol on Biosafety

Section IV. Plant Biotechnology Marketing Issues

Driven by a generation of NGOs and government messaging, the average Austrian consumer has a very negative attitude towards crops and food derived from biotech crops. Food products that must be labeled “biotech” do not sell in Austria.

Campaigning for Biotech-Free Food

NGOs, the Austrian government and, increasingly, the retail sector and the food industry are promoting biotech-free food products. According to the Austrian food codex, which provides criteria for labeling requirements for biotech free products, meat, eggs, and dairy can only be labeled “biotech-free” if produced from animals fed biotech-free feed. Several years ago, a few Austrian dairies began promoting biotech milk. Today, most milk produced in Austria meets the requirements for biotech free production. As of October 2010, most Austrian fresh egg production and as of January 2012, most Austrian broiler production also use biotech free feeds.

Voluntary Label GMO-free

There are two Austrian labels for biotech free products issued by ARGE Gentechnik-frei (Platform for GMO-free Food Products) which follows the requirements for biotech-free food products laid down by the Austrian food codex. One label states “produced biotech-free” (gentechnikfrei erzeugt); the second label says “produced without biotech” (ohne Gentechnik hergestellt). Currently more than 1,500 products are labeled under this program. Major products are milk and dairy products, bread and bakery products, eggs, soybean products, meat, fruits and vegetables.


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